United Nations S/2006/1006

Security Council

Distr.: General
20 December 2006

Original: English

Report of the Secretary-General on children and armed conflict in Sri Lanka

Summary

The present report has been prepared in accordance with the provisions of resolution 1612 (2005). The report, which covers the period from 1 November 2005 to 31 October 2006, provides information on compliance and progress in ending the recruitment and use of children and other grave violations being committed against children in situations affected by armed conflict in Sri Lanka.

The report notes that despite previous commitments by the Liberation Tigers of Tamil Eelam, that group continues to use and recruit children. In addition, a particularly disconcerting development during the reporting period was the increase in abductions and recruitment of children in the east by the Karuna faction, a breakaway group of Liberation Tigers of Tamil Eelam.

The report sets out a series of recommendations with a view to securing strengthened action for the protection of war-affected children in Sri Lanka.

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I. Introduction

1. The present report has been prepared in accordance with the provisions of United Nations Security Council resolution 1612 (2005) and covers the period 1 November 2005 to 31 October 2006. It provides information on compliance and progress in ending the recruitment and use of child soldiers and other grave violations and abuses being committed against children in situations affected by armed conflict in Sri Lanka, including the abduction of children; the killing and maiming of children; rape and other grave sexual violence against children; attacks against schools and hospitals; and denial of humanitarian access for children.[1]

2. A task force on monitoring and reporting has been established in Sri Lanka, and its inaugural meeting was held on 26 July 2006. The Task Force has undertaken significant efforts to confirm that the information that was presented to it has been vetted and is accurate and reliable.

II. Overview of prevailing political, military and social background

3. Sri Lanka[2] has been affected by an ongoing conflict between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) since 1983. It is estimated that the conflict has killed more than 65,000 people, displaced over 800,000 people and detrimentally affected the entire population, particularly in the north and east of Sri Lanka. In February 2002, the Government and LTTE signed a ceasefire agreement brokered by Norway, which created the Sri Lanka Monitoring Mission (SLMM), consisting of members from the five Nordic countries (Denmark, Finland, Iceland, Norway and Sweden) to monitor the ceasefire agreement.

4. During the reporting period, the ceasefire agreement between the Government and LTTE continued to hold despite escalating levels of violence, particularly after May 2006. Between 1 November 2005 and 31 October 2006, the Sri Lanka Monitoring Mission ruled on 662 ceasefire violations, comprising 193 violations by the Government, 451 violations by LTTE and 18 violations by the Karuna faction. Included in those rulings are 106 ruled violations concerning the abduction and recruitment of children.[3]

5. In November 2005, President Mahinda Rajapakse won presidential elections that were marked by LTTE obstruction of voting in parts of the north and east. Since early December 2005, violence has intensified with almost daily attacks on security forces personnel; the killing of members and supporters of the LTTE and other Tamil factions, including the LTTE breakaway Karuna faction;[4] assassinations of

[1] In accordance with article 1 of the Convention on the Rights of the Child, for the purposes of the present report, a child means every human being below the age of 18 years.

[2] See annex for a map of Sri Lanka.

[3] Thirty-seven rulings against LTTE for abductions; 60 rulings against LTTE for child recruitment; 3 rulings against the Government for abductions; 6 rulings against the Karuna faction for abductions.

[4] The unregistered political party, Tamil Makkal Viduthalai Pulikal (TMVP), which is led by Vinayagamoorthy Muralitharan, a.k.a. Colo. el Karuna, is more commonly known as the "Karuna faction" and is referred to as such in the present report. The Karuna faction split from LTTE in the Eastern province in March 2004.

high-profile public and military persons; clashes at sea between the Sri Lankan navy and LTTE sea units; and increased death and injury of civilians. The situation was further complicated by armed actions of the Karuna faction and the suicide bomb attack on the army commander in Colombo on 25 April 2006, which resulted in the Government launching a military retaliation of limited duration against LTTE positions.

6. The conflict escalated further in late July 2006 following the closure by LTTE of the Mavilaru sluice gates on 22 July, affecting the supply of water for a reported 15,000 families in Trincomalee District. The Government launched a military operation to gain control over the area and reopen the gates. The confrontation extended to the Mutur town, displacing approximately 50,000 persons. By 27 August, the Government had captured large parts of LTTE-controlled areas in Trincomalee, including Sampur. In separate military incidents, on 11 August the LTTE attacked the forward defence lines, separating government- and LTTE-controlled areas at the southern tip of the Jaffna peninsula. The Government responded with attacks against several front line posts in LTTE-controlled areas in Jaffna, Kilinochchi and Trincomalee and Batticaloa Districts.

7. The preceding confrontations resulted in the closure of the A9 road,[5] greatly reducing access to Jaffna District and the Vanni area (Kilinochchi and Mullaitivu Districts), and the displacement of more than 40,000 civilians in both Jaffna and Kilinochchi Districts, and of more than 60,000 civilians from Batticaloa District. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), between April 2006 and 22 October 2006, a total of 201,835 people (54,794 families) were displaced from their homes by the escalation in violence and insecurity. That number is in addition to more than 312,712 persons who were displaced previously as a result of the conflict and the 15,849 Sri Lankan refugees (4,665 families) reported to have arrived in Tamil Nadu, India, since the beginning of 2006. There continues to be a heightened risk of injury to the civilian population, especially children and youth, from unexploded ordnance and anti-personnel mines owing to the increased displacement in and around the shifting battle areas.

8. Against the background of the heightened tensions and increased military activity in the country, humanitarian and development assistance efforts faced various challenges and constraints, both in terms of physical access to beneficiaries and the systematic tightening of Government approval for the International Non-Government Organizations (INGO)/Non-Governmental Organizations (NGO) operations, specifically in the North and East. Those constraints resulted in the scaling down of humanitarian and development support to the affected population, including to vulnerable children, and also in the hampering of access of independent observers and monitors to those affected areas.

9. On 31 May 2006, the Council of the European Union added LTTE to the European Union list of terrorist organizations for the application of specific measures. Following this, the LTTE insisted on the withdrawal of SLMM monitors sent by States Members of the European Union by 1 September 2006. Further, the latest talks on the implementation of the ceasefire agreement between the Government and LTTE in Geneva from 28 to 29 October were inconclusive.

[5] The A9 highway is the only land access route to LTTE-controlled areas in the north, as well as to Jaffna.

10. The Government of Sri Lanka has appointed a new Minister for Disaster Management and Human Rights and revitalized a permanent standing committee and inter-ministerial working group on human rights which has, inter alia, played an important role in following up the investigation of certain cases. The Penal Code of Sri Lanka was amended early in 2006 to include a new offence of recruitment of children under 18 years of age into armed groups. In September, the President announced the establishment of a special commission of inquiry, with the participation of international observers, to investigate a range of serious human rights abuses since August 2005, including several of the cases detailed later in this report.

III. Grave violations of children's rights

A. Recruitment and use of children in armed forces and groups

1. Liberation Tigers of Tamil Eelam

11. The Liberation Tigers of Tamil Eelam is listed in annex II of the present report of the Secretary-General on children and armed conflict[6] and in all his previous reports as a party recruiting and using children as soldiers. LTTE previously made commitments to immediately cease the recruitment of children and release all children within its ranks to Olara Ottunu, the Special Representative for children affected by armed conflict, in Kilinochchi in 1998; to UNICEF in October 2002; to the Executive Director of the United Nations Children's Fund (UNICEF) in January 2003; and under the Action Plan for children affected by war in March 2003. LTTE most recently articulated its position in a published document on child protection that outlaws enlisting of children under 17 years in Armed Forces and makes participation of children under 18 yeas of age in armed combat illegal.[7]

12. The United Nations Children's Fund monitors and reports on violations of children's rights, including underage recruitment. Parents whose children have been recruited or are at risk of being recruited by LTTE are encouraged to report to UNICEF directly or through other international agencies. UNICEF verifies all of the reported cases and has maintained a comprehensive database of underage recruitment since 2001, which is updated when the child's status changes. The database provides a record of known cases of recruitment and has proven to be an effective advocacy tool for use with LTTE and other factions.

13. During the reporting period, UNICEF received reports of 541 children recruited, of which 66 were re-recruited by LTTE. As indicated in table 1 below, during the reporting period the number of verified reports of recruitment received by UNICEF peaked in July 2006, with 63 children verified to have been recruited and three children re-recruited.

14. The following examples illustrate the direct experience of those children. According to their mother's report to UNICEF, two 17-year-old boys living in the

[6] A/61/529-S/2006/826. "Child Protection Act 2006" (Act No. 03 of 2006), enacted by the Tamileelam legislature secretariat.

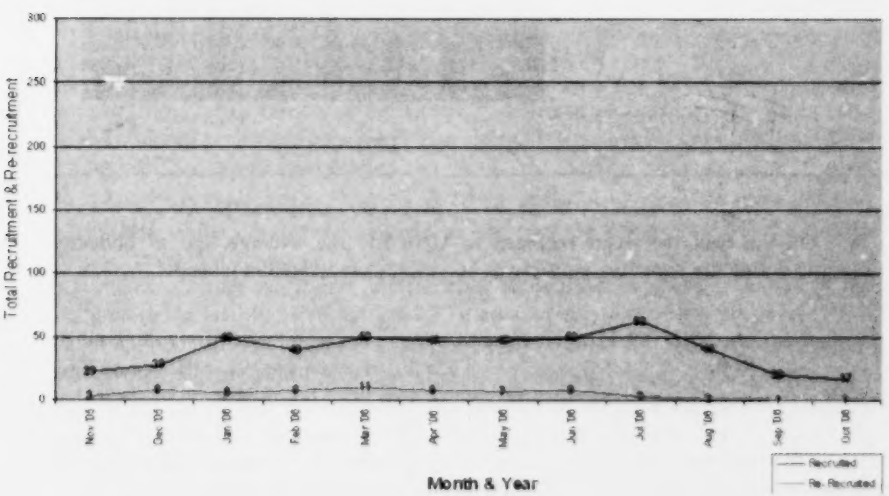
[7] It should be noted that this policy statement is in conflict with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (United Nations *Treaty Series*, vol. 2173, No. 27531).

Batticaloa District were visited in their family's home on 10 July by a member of LTTE and were asked to join its military wing. He beat the two children when they resisted the abduction. Three days after the incident, the two children decided to go to their uncle's house to find refuge. At 8 a.m., while cycling on the main road to reach the relative's house, they were stopped by the same LTTE member, beaten, and taken away on his motorcycle. Some villagers witnessed the incident and confirmed the identity of the abductor. On 24 July, UNICEF was informed that the two children had escaped from the LTTE camp. UNICEF continues to undertake protection follow-up with these two boys, who fear to return home.

15. The parents of a 15-year-old boy living in the Batticaloa District reported that their child and another 11 children were abducted while participating in a religious festival at the temple in their home village. Although the identity of the LTTE member who perpetrated the abduction is known, and notwithstanding the many visits of his parents to the LTTE camp, the child has not been released to date.

16. As of 31 October 2006, out of the 5,794 total cases of child recruitment verified by UNICEF since April 2001, 1,598 recruited children are believed to remain with LTTE. Of those 649 children are currently under the age of 18, and 949 are individuals who were recruited when they were under the age of 18 years, but are now 18 years of age or older. The above figures represent only the number of cases reported to UNICEF, and there are indications that the prevailing security situation might be deterring families from reporting cases. The overlap between children recorded on the UNICEF database and children who left LTTE (released, ran away or returned home) is approximately 37 per cent, suggesting that the UNICEF figures reflect approximately one third of the total cases of recruitment.

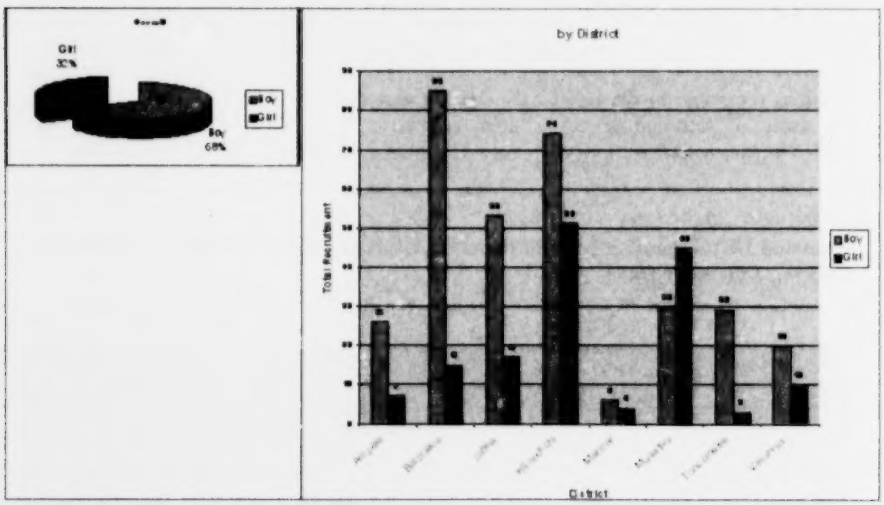
Table 1
Reported LTTE recruitment and re-recruitment of children from 1 November 2005 to 31 October 2006



17. During the reporting period, the majority of reports of recruitment of children came from Kilinochchi District, with 26 per cent of documented child recruitment or re-recruitment occurring in the district. That figure represents a 66 per cent increase in reports of recruitment and re-recruitment of children by LTTE in Kilinochchi, as compared with the previous twelve-month period. Batticaloa reported the second-highest number of cases, with 23 per cent of the total reported cases of recruitment and re-recruitment. That represents a 49 per cent reduction in recruitment or re-recruitment of children by the LTTE in Batticaloa as compared to the previous twelve-month period.

18. The data also reflect that the number of boys recruited was higher than the number of girls (68 per cent of recruits were boys and 32 per cent of recruits were girls). However the recruitment of more girls than boys was reported in Mullaitivu District. Recruitment of a relatively high proportion of girls was also reported in Kilinochchi District during the period, as indicated in table 2.

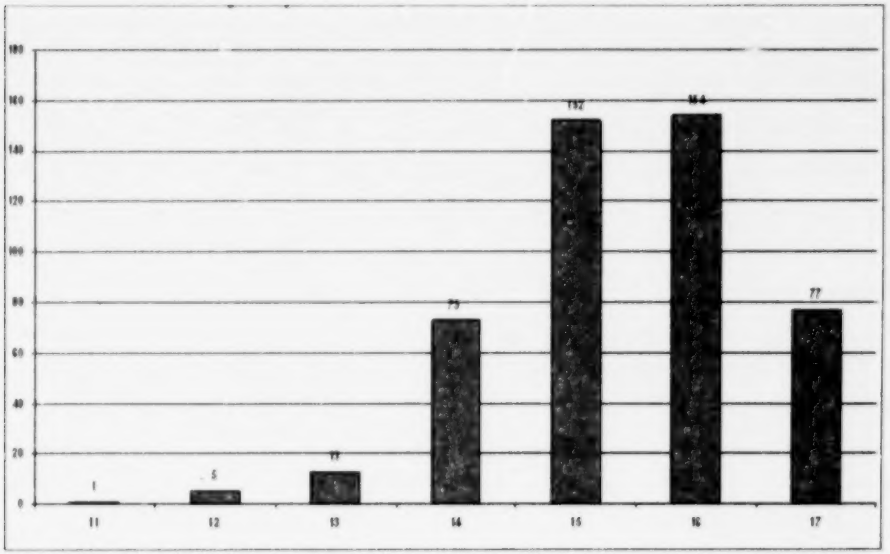
Table 2
Gender analysis of recruitment by district from 1 November 2005 to 31 October 2006



19. On the basis of cases reported to UNICEF, the average age of underage recruits during the reporting period was 16 years, as indicated in table 3.[8]

[8] On the basis of cases reported to UNICEF, the average age of underage recruits has been 16 years since 2004. The average age of underage recruitment was 15 years in 2002 and 2003 and 14 years in 2001.

Table 3
Age analysis of children at the time of recruitment from 1 November 2005 to 31 October 2006



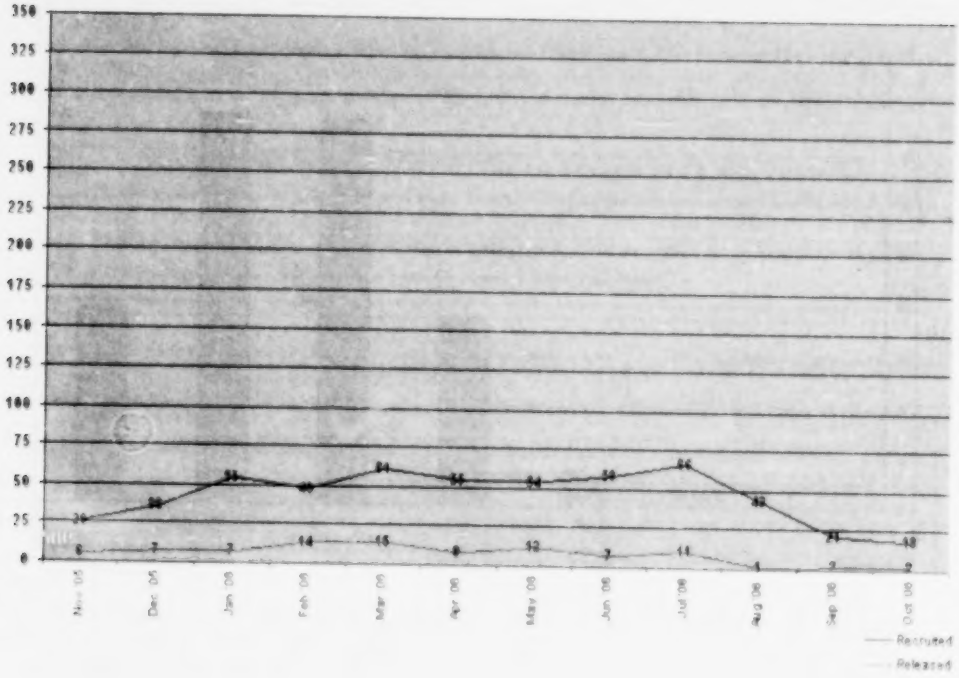
20. During the reporting period, LTTE notified UNICEF that 362 children had been "released" from its ranks, including the recent release of 79 children in September 2006. According to the LTTE release list, 224 of the 362 children were released directly to their parents, while the remaining 138 children were reportedly released to their families through the North-East Secretariat on Human Rights (NESOHR) or transferred to the educational skills development centre by LTTE or NESOHR. During the same period, UNICEF verified the release of 90 children from LTTE ranks, including 69 children on the LTTE release list. UNICEF was not able to verify the alleged release of the remaining children included on the list, as some of the children were allegedly residing at the educational skills development centre, where UNICEF access is limited.

21. UNICEF expressed its concern to LTTE about the transfer of children to the educational skills development centre, as children are being placed in the facility without parental consent and independent verification of the grounds for the child's placement. Parents have also encountered difficulties in gaining access to the children in the facility. UNICEF and LTTE are currently discussing the development of an appropriate and transparent release mechanism for the children, although no firm commitment has yet been received.

22. It should further be noted that the number of children verified by UNICEF actually to have been released by LTTE during the reporting period was consistently lower than the number of children recruited each month, as depicted in table 4.

Table 4

Trends in reported LTTE recruitment and verified releases of children from 1 November 2005 to 31 October 2006



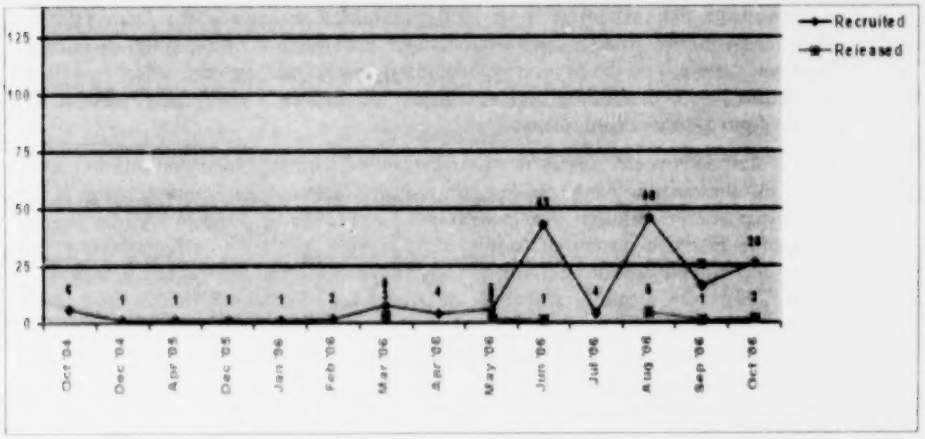
23. Also a matter for concern was a systematic programme of civil defence training provided by LTTE to civilian communities throughout the north and east. Training periods varied from 5 to 45 days. The content of the training is not fully known; however, the training included physical exercise and drills of a paramilitary nature. UNICEF received reports of children as young as 16 years being included in the training programmes. School principals and teachers were also required to attend during school hours, affecting children's schooling. Reports were received from Batticaloa, Ampara, Trincomalee and Kilinochchi Districts of children not returning after attending the training programmes and it was suspected that they had been recruited. Parents who went to find their children were informed to return after three or four months, as their children were said to be undergoing military training.

2. Karuna faction

24. A particularly disconcerting development during the reporting period was the increase in the abduction and recruitment of children in the east of Sri Lanka by the Karuna faction since May 2006. As of 31 October 2006, UNICEF had received 164 reports of children being recruited by the Karuna faction. Fourteen of the recruited children have been released, 15 other children are known to have run away and 7 children have been re-recruited; therefore, as of 31 October 2006, there is a residual

caseload of 142 children who are believed to remain in the ranks of the Karuna faction.

Table 5
Trends in the recruitment and releases of children by the Karuna faction as of 31 October 2006



25. During the reporting period, there were two peaks of child recruitment activity by the Karuna faction, in June and in August 2006, as depicted in table 5. In the space of one week in mid-June, UNICEF received 30 reports alleging that children had been abducted by the Karuna faction in the areas of Santhiveli, Kiran, Mankerni, Valachchenai and Iruthayapuram (Manmunai North) in Batticaloa District. The majority of children abducted and recruited by the Karuna faction were in the Batticaloa District (145 children), followed by Ampara District (17 children), and a child was recently recruited in Trincomalee District. The average age of the child recruited by the Karuna faction is 17 years, and many of the children were taken in group abductions in villages or near their homes.

26. One of several group abductions in recent months took place on 15 June 2006 during a religious ceremony in the area of Kiran, Batticaloa. At around 1.30 p.m. approximately 25 members of the Karuna faction arrived at the temple where villagers were gathering and abducted 18 people, all males. Four of the abducted were children. Witnesses to the incident declare having recognized some of the perpetrators because of their frequent visits to the village. There has been no report about the release of the four children to date.

27. To date, UNICEF received reports of abduction and recruitment only of boys by the Karuna faction. Children have been abducted from the streets, temples and their homes, mainly in Government-controlled areas. Reports were also received that children were recruited and abducted in areas in close proximity to government security offices and checkpoints. All of the cases involved forced recruitment and abduction, in some cases by armed men who directly identified themselves as members of the Karuna faction. Reports have also been received in Batticaloa District that on 14 and 26 June, Sri Lankan Army personnel carrying weapons,

accompanied Karuna faction members who forcibly abducted and recruited nine children aged 14 (two children), 15 (one child) and 17 years (six children).

3. Other concerns

28. On 12 September, new emergency regulations were promulgated by the President appointing the Secretary of Justice as Commissioner for Rehabilitation to oversee protective accommodation and rehabilitation centres for "surrendees"[9] where they should receive rehabilitation and vocational training prior to release. This new system is in the process of becoming operational; however there is still no distinction between children and adults as "surrendees", which goes against the accepted practice for child release.

29. A further concern relates to the treatment of formerly recruited children who come into the custody of the Sri Lankan security forces. A particular concern is the public exposure of children who have surrendered to the Sri Lankan security forces. Insensitive media exposure of former child recruits has led to stigmatization and increased vulnerability on the part of the child and his/her family. For example, in March 2006, two formerly recruited children who surrendered to the Sri Lankan Army in Trincomalee District were transferred to Colombo and paraded before the print and electronic media, demonstrating the use of a weapon that was given to them by army personnel.

B. Abduction

30. The abduction of children has generally been reported in the context of forced recruitment. Cases have included children being grabbed off the street or taken away en route to their destinations and forcibly recruited from temple festivals at night, as well as houses being broken into and children forcibly taken away. There has also been an increase in group abductions as opposed to the abduction of individual children during the past six months.

31. In the reporting period, the Sri Lanka Monitoring Mission received 237 complaints of child abduction, including 117 complaints against LTTE, 105 complaints against the Karuna faction and 15 complaints against the Government. From those complaints, the Sri Lanka Monitoring Mission made 37 rulings against LTTE; 3 rulings against the Government; and 6 rulings against the Karuna faction for the abduction of children. As of 31 October, SLMM had 146 open cases concerning child abduction which had yet to be ruled upon, including 70 complaints against LTTE, 9 complaints against the Government and 67 complaints against the Karuna faction.

32. As a result of the rapid escalation of violence since May 2006, disappearances and abductions are increasing. In Jaffna alone in August 2006, more than 60 disappearances and abductions of the civilian population by LTTE, government security forces and paramilitary groups were reported. The known and reported cases include the abduction of two children 17 years of age in separate incidents in Jaffna on 9 and 19 August 2006 in Kantharodai Veethi and Punkudutheyu divisions

[9] Combatants, including children under 18 years old who have surrendered or were captured by government forces.

respectively. Government security forces are alleged to have been involved, and the Human Rights Commission of Sri Lanka is following up on those cases.

C. Incidents of killing and maiming

33. According to the Sri Lanka Monitoring Mission, there were at least 2,118 known conflict-related deaths, including the killing of 1,135 civilians, a significant number of them being children, during the reporting period. The acceleration of violence since May 2006 has resulted in an increase of child casualties in recent months. For example, in early August, the Government recorded 12 child deaths in Mutur division alone. The deteriorating security situation, however, precludes obtaining a comprehensive tally of the number of children killed in affected areas.

34. During the reporting period, several of the children who were killed had been utilized by LTTE as child soldiers or were alleged to have been affiliated with LTTE. For example, on 17 June, a 15-year-old boy from Point Pedro was killed in the Government and LTTE zone of separation, close to the Muhamalai checkpoint. According to SLMM, the boy was carrying pictures of himself in LTTE uniform when he was found dead. Three Sri Lankan Army soldiers reportedly admitted to shooting the boy. On 29 July, the body of a 16-year-old boy affiliated with LTTE was found dead with gunshot wounds in Kayts, Jaffna. An ongoing inquiry is being conducted; however, the case remains unresolved at the time of reporting. Further, on 29 August, 16 mutilated bodies, including the bodies of three Tamil boys 15, 16 and 17 years of age, were delivered to Vavuniya Hospital. It was alleged by the Government that the victims were LTTE members killed while they were attacking a Sri Lankan Air Force base in Poovaragankulam, Vavuniya. However, according to SLMM, the victims were reportedly unarmed.

35. Children were also among the casualties of the indiscriminate use of claymore mines. From January to June 2006, a United Nations mine action group received reports of more than 440 persons, including 202 civilians, being killed or injured by claymore mine incidents in Sri Lanka. According to SLMM, the number of attacks, the targets, the tactics used and the geographic dimension pointed towards LTTE as being the most likely perpetrator. It does, however, not rule out the possibility that some attacks might have been executed by other actors or that they could be covert operations.

36. Indiscriminate use of claymore and pressure mines and other methods of killing that allegedly were employed by LTTE and that resulted in child casualties include a case on 19 January in which a child 15 years of age was killed by a claymore mine attack allegedly conducted by LTTE in Thandavanveli, Batticaloa District. Further, on 15 June, 65 civilians, including 14 children, were killed and 70 other civilians were injured by a claymore mine attack on a civilian bus at Kebitigollewa in Anuradhapura District.

37. Indiscriminate use of claymore mines, aerial bombardments and other methods of killing allegedly conducted by the Government also resulted in child casualties. They included a bombing raid by the Sri Lankan armed forces on LTTE positions around Sampur and Mutur in Trincomalee District on 25 April, which killed four children, ages 4, 14, 15 and 16, and injured 14 children, ranging in age from three months to 17 years. Another example is the aerial bombardment of a compound in Valepuram, Mullaitivu, by the Government on 14 August, which killed at least 40

adolescent girls and injured at least 100 other girls. It was reported that at the time of the aerial strike 400 to 600 adolescent girls were assembled at the compound where they had been required by LTTE to undertake "first aid and propaganda training".[10]

D. Attacks on schools and hospitals

1. Attacks on schools

38. The intensification of the conflict during the reporting period resulted in an increased number of attacks on schools that were traditionally preserved as zones of peace and safe places of refuge. For example, on 25 April, the Sri Shanmuga Pre-School and the science laboratory of Chenaiyoor Central College were damaged in government air and artillery strikes around Mutur in Trincomalee District and were forced to close, while on 3 October, the Murunhan MV School in Mannar District was subject to shelling by government forces, which resulted in damage to school buildings, the district education office and the teacher centre in the surrounding area. According to reports, the Murunkan area is frequently shelled which has resulted in the temporary night displacement of the local population. The school also reportedly experienced a significant reduction in school attendance, as most children are afraid to attend school, and approximately 75 children have stopped attending.

39. Schooling throughout the north and east, particularly in Jaffna, Trincomalee, Vavuniya and Batticaloa, was also severely affected by security incidents. Schoolchildren in Jaffna District were particularly affected by the rapid onset of the conflict on 11 August, with the forced closure of all schools in Jaffna from 9 September until 9 October owing to the student union boycott called in protest to the ongoing hostilities in Jaffna. Two schools in the high security zone in the Tellipallai area (Union College and Thanthai Selva Vidyalaya School) of Jaffna, are not operational as they have not been accessible since 11 August owing to security reasons. The re-opening of those schools is not currently envisaged. The children are currently attending classes in their displaced locations.

40. In Trincomalee, Batticaloa and Ampara Districts, school attendance rates were also reduced in many places owing to fear of recruitment and the general insecurity. The fear of attending school was not restricted to the north and east of Sri Lanka; after the assassination of Major General Parami Kulatunga on 26 June 2006, many schoolchildren in Colombo and the south did not attend school on the days that followed, as there were widespread rumours that all schools would be bombed by LTTE.

41. In addition, throughout the north and east of Sri Lanka, military checkpoints and the Tamil Makkal Viduthalai Puligal (TMVP) political offices are positioned in very close proximity to schools, including directly adjacent to and even on the grounds of schools and pre-schools. In Batticaloa, for instance, the Karuna faction opened a political office of the TMVP next door to St. Cecilia's Girls High

[10] Based on interviews with three survivors of the incident by a consultant to the Secretariat for Coordinating the Peace Process, Government of Sri Lanka.

School.[11] The close proximity to military checkpoints and political offices further perpetuates fear among those children who attend school and exposes children to a heightened risk of physical attack, as these locations are often the target of grenade and claymore mine attacks. On 25 October 2006, for instance, an LTTE member allegedly threw a hand grenade at the TMVP office in Chenkalladi, Batticaloa, killing three people and injuring eight people. Further, the constant exposure to a highly militarized environment has further compounded the immense fear among children.

2. Attacks on hospitals

42. During the period, there was one reported attack on hospitals. On 2 August, the maternity and female wards of the Mutur Base Hospital in Trincomalee District were completely damaged, and the operating theatre complex, the outpatient department and the nursing quarters were partially damaged as a result of the shelling. The identity of the responsible party has yet to be determined.

43. The high-security presence surrounding hospitals also caused fear among community members and deterred them from entering the hospital premises. For example, Mannar District Hospital has an army checkpoint at its entrance, and there is occasional firing from the sentry, particularly during the evenings, which inhibits the access of civilians to the hospital premises.

E. Grave sexual violence

44. While several cases of rape were reported from the conflict-affected areas, the reported cases were not applicable to children.

F. Denial of humanitarian access

45. Following the escalation in hostilities, the Government has imposed restrictions on humanitarian agencies. This has had a serious impact on humanitarian access, particularly as it affects those most vulnerable, especially children.

46. The July and August 2006 military operations in Trincomalee and Batticaloa Districts prompted large-scale displacement and created an urgent need for humanitarian assistance. As a result of Government restrictions on the movements of humanitarian agencies, access to displaced persons in many areas has been extremely limited, with some areas remaining off-limits altogether, including the entire Eachchilampattu Division, and for a period, much of Mutur division in Trincomalee. In Vaharai DS Division, Batticaloa, where there were an estimated 42,880 internally displaced persons as at the end of September, humanitarian access was limited to the International Committee of the Red Cross and the organizations and agencies of the United Nations only, and only at regular intervals.

47. The closure of the forward defence lines by the Sri Lanka Army on 11 August 2006 has seriously impeded movements between Vavuniya and Kilinochchi for

[11] The parents and school authorities have protested to the Government against the positioning of the political office.

almost two months. Humanitarian agencies, including those of the United Nations, were prevented from delivering essential supplies, and only limited supplies were provided by the Government, leading to a critical shortage of food, medicines and fuel in particular. Restrictions on movements of United Nations personnel were eased at the beginning of October, but movements of international staff of international non-governmental organizations remains restricted. The closure of the forward defence lines and the A9 highway also led to the stranding in Vavuniya for several weeks of approximately 2,000 people, many of whom were children separated from their families and unaccompanied minors, including a group of 23 schoolchildren from Jaffna.

48. In Jaffna, a strict curfew imposed when hostilities began on 11 August 2006, combined with the closure of the A9 road and cessation of commercial air flights, effectively left the peninsula cut off from the rest of the country for over a month. The measures resulted in shortages of food, medicines and other essential items, which could be brought into Jaffna only by means of government cargo ships, which started arriving on 24 August. By mid-September, the curfew had eased intermittently throughout much of the peninsula; however, many areas remained off-limits for United Nations entities, including areas east of Kodidkamam and the islands off the coast of Jaffna.

49. Humanitarian organizations, including organizations and agencies of the United Nations system, have had particular difficulty in gaining access to areas controlled by LTTE. Military checkpoints frequently impose registration requirements beyond those required by the Ministry of Defence, including the registration of the staff and vehicles of local NGOs. In Batticaloa District, Government restrictions limit NGO access to LTTE-controlled areas.

50. There have also been frequent incidents of threats and attacks against humanitarian workers, which have severely affected the delivery of humanitarian assistance. For example, on 30 January 2006, 10 members of the Tamil Rehabilitation Organization (TRO) were abducted by unknown men on the Batticaloa-Polonaruwa highway. Three of those abducted were released; however, seven remain missing. On 10 April, a claymore mine attack in Mirusuvil, Jaffna District resulted in the death of six persons, including two Caritas workers. Further, on 16 May, a driver from the Norwegian Refugee Council was shot and killed in Vavuniya, reportedly by the Sri Lankan forces; and on 4 August 2006, 17 local employees of the French NGO *Action contre la faim* were murdered in Mutur, also allegedly by the Sri Lankan forces. The Government has referred the latter case to the special commission of inquiry and has invited a team of Australian forensic specialists to observe and assist the investigation into this case. In addition, on 20 August 2006 a local staff member of the Sri Lanka Red Cross Society was shot dead by unknown gunmen in Cheddikulam, Vavuniya District; and on 24 August 2006, a consultant for the Office for Project Services was found shot dead in Thambiluvil, Ampara District.

51. Following discussions between United Nations entities, INGOs and NGOs regarding impediments to humanitarian access, a consultative committee with United Nations entities, the International Committee of the Red Cross and representatives of the European Union has been established under the Ministry of Disaster Management and Human Rights. It includes the Ministries of Defence and Foreign Affairs and the Commissioner General of Essential Services. The purpose is

to solve problems related to fuel, food supplies, medicine and essential items and respond to the difficulties the agencies face in carrying out their activities.

IV. Dialogue, action plans and monitoring and reporting to redress violations of children's rights

A. Dialogue

52. There was sustained public advocacy on child protection issues, particularly in respect of the military recruitment of children and the rising levels of violence and its impact on civilians and humanitarian workers. A variety of sources within the United Nations system, including the Secretary-General, the Special Representative of the Secretary-General for children and armed conflict, the Office of the United Nations High Commissioner for Human Rights, the United Nations Emergency Relief Coordinator and UNICEF issued public advocacy initiatives. Concern for children's rights was also reflected in several international statements and interventions by, inter alia, the donor co-chairs (European Union, Japan, Norway and the United States of America), the European Parliament and international non-governmental organizations, including Amnesty International and Human Rights Watch. Domestic agencies, including the Human Rights Commission of Sri Lanka, also advocated concern for children's rights.

53. The United Nations Children's Fund continues to pursue efforts with LTTE to obtain the release of children and stop their recruitment into its ranks. Monthly recruitment reports are produced by UNICEF, and copies of that report are shared with LTTE. In a meeting between UNICEF and LTTE in October 2006, it was agreed that each side would designate three persons (known as a "3x3 meeting") to meet regularly to discuss technical issues concerning the release of children and measures to stop recruitment. Dialogue continues to take place between UNICEF and LTTE through that forum; two meetings were held in 2006. LTTE also announced the formation of a child protection unit; however, the unit's terms of reference require further clarification. In June 2006, LTTE and UNICEF further discussed the importance of maintaining an appropriate release mechanism and the role of the educational skills development centre in the release of children to their families.

54. Following the reported recruitment of children by the Karuna group in Batticaloa District, UNICEF also met with the "political wing" of the Karuna faction, the TMVP, in June 2006 to remind them of their obligations not to recruit children and to seek the release of underage recruits. That dialogue is ongoing.

B. Action Plan for children affected by war

55. In June 2003,[12] the Government and LTTE endorsed an action plan for children affected by war in the North-East of Sri Lanka (henceforth referred to as "the Action Plan") in collaboration with key technical partners including agencies and organizations of the United Nations system and international and national NGOs. The Action Plan was initially a two-year programme, from July 2003 to June

[12] As agreed during the peace talks in Oslo in December 2002 and in Berlin in February 2003.

2005. However, it was extended until July 2006, pending completion of a comprehensive review.

56. The Action Plan was a multi-agency and multisectoral programme designed to improve the living conditions of all children affected by war in all eight districts of the North-East of Sri Lanka, including underage recruits, children engaged in hazardous labour, school dropouts, street children and other vulnerable children.

57. Under the Action Plan, LTTE committed to cease all recruitment of children and release all children already in its ranks. Important progress was made in reducing the rate of recruitment, as recruitment reported to UNICEF steadily fell from 1,464 children in 2002 to 1,213 children in 2003, 819 children in 2004, 586 children in 2005 and 424 children in 2006, as of 31 October 2006. Re-recruitment trends fluctuated, with 29 children in 2002, 67 children in 2003, 277 children in 2004, 115 children in 2005 and 55 children in 2006, as of 31 October 2006. Further, the average age of recruitment increased from 14 years to 16 years during that period. However, the commitment made by LTTE to cease all recruitment and to release all underage recruits clearly was not achieved. A true commitment to the Action Plan would be signalled by the immediate release of all children remaining on the UNICEF database, open access to independent monitoring and verification and immediate cessation of any further recruitment of underage children.

C. Monitoring and reporting

58. The Government and the United Nations country team held extensive discussions on the terms of reference and modalities for the establishment of a task force on monitoring and reporting within the framework of Security Council resolution 1612 (2005). The inaugural meeting of the Task Force was held on 26 July 2006. The task force is chaired by the Resident Coordinator, and the UNICEF Representative serves as the Deputy Chair. The task force currently comprises representatives from the United Nations (United Nations Development Programme, United Nations Children's Fund, Office of the United Nations High Commissioner for Refugees and International Labour Organization and the senior human rights adviser to the United Nations country team); from the Government of Sri Lanka bodies concerned with the protection of rights of children (the National Child Protection Authority and the Human Rights Commission of Sri Lanka); and from civil society, including a national NGO (Sarvodaya) and an international NGO (Oxfam Great Britain) with experience in the protection of rights of children affected by the armed conflict that could support monitoring and reporting. The International Committee of the Red Cross participates in the task force as an observer, and a representative from SLMM has assisted the task force with additional information pertaining to the verification of cases.

59. In the districts and in Colombo, meetings are held between the International Committee of the Red Cross, the Sri Lanka Monitoring Mission and UNICEF to follow up on the situation of child recruitment. International agencies and NGOs have also collaborated on specific prevention and protection initiatives. For instance, in June 2006 a number of agencies working in Batticaloa and Trincomalee Districts organized a rotating international presence at temple festival sites where recruitment had previously occurred. There have been no reported cases of child recruitment at those festivals in 2006.

60. In Colombo and at the district level, there are also inter-agency coordination forums aimed at increasing the participation of community actors in the prevention of child recruitment and other forms of violations. In May 2006, an inter-agency child protection meeting involving key international agencies and United Nations organizations working in the north and east of the country was held, resulting in key action points that are aimed at enhancing district-level collaboration and community participation. In addition the Office of the United Nations High Commissioner for Refugees leads the monthly working group for the protection of internally displaced persons in Colombo.

61. Additional programmatic responses include recording of cases by the regional offices of the Sri Lanka Human Rights Commission and the establishment of help desks in Government-controlled areas. However, currently the regional offices are receiving only an estimated 30 per cent of the actual cases owing to limited access to areas and a culture of rumours, intimidation and fear in relation to the reporting of violations. UNICEF has held discussions with the police in order to build confidence within the community with respect to reporting cases, as many community members are afraid to report at the local level. The level of trust the community needs to report violations may also be enhanced by the recent drafting by the Law Commission of Sri Lanka of a witness protection law that aims to protect the identification of witnesses.

V. Challenges in the delivery of assistance to conflict-affected children

62. The child protection community in Sri Lanka continued to face a number of significant challenges in addressing violations against children in the context of the conflict, including the following:

(a) There is a continued lack of commitment from LTTE to stop all child recruitment and release all children within its ranks within the agreed procedures;

(b) The abduction and recruitment of children by the Karuna faction in the Eastern districts is increasing, as well as the challenges of developing and sustaining a humanitarian dialogue on child protection issues with the Karuna faction;

(c) The political and security context in Sri Lanka has deteriorated rapidly, accompanied by heightened levels of violence affecting children and communities, particularly since May 2006;

(d) Restrictions on humanitarian agencies imposed by the Government following the escalation in hostilities, particularly since July 2006, have seriously impeded the agencies' ability to reach and assist the children most vulnerable to the conflict;

(e) Conditions applied by LTTE continue to impede the impartial delivery of assistance by NGOs;

(f) A climate of fear exists among community members owing to insecurity arising from the prevailing security conditions, intimidation from the parties involved in the conflict and the lack of a mechanism to ensure the security and safety of complainants. The overwhelming fear felt by community members impedes the reporting of violations and hinders the mobilization of communities for

6. I stress the need for the Government to investigate immediately allegations that certain elements of the Sri Lanka security forces are involved in aiding the recruitment and/or abduction of children by the Karuna faction in the East, and I invite immediate support from UNICEF and other relevant agencies to address those allegations.

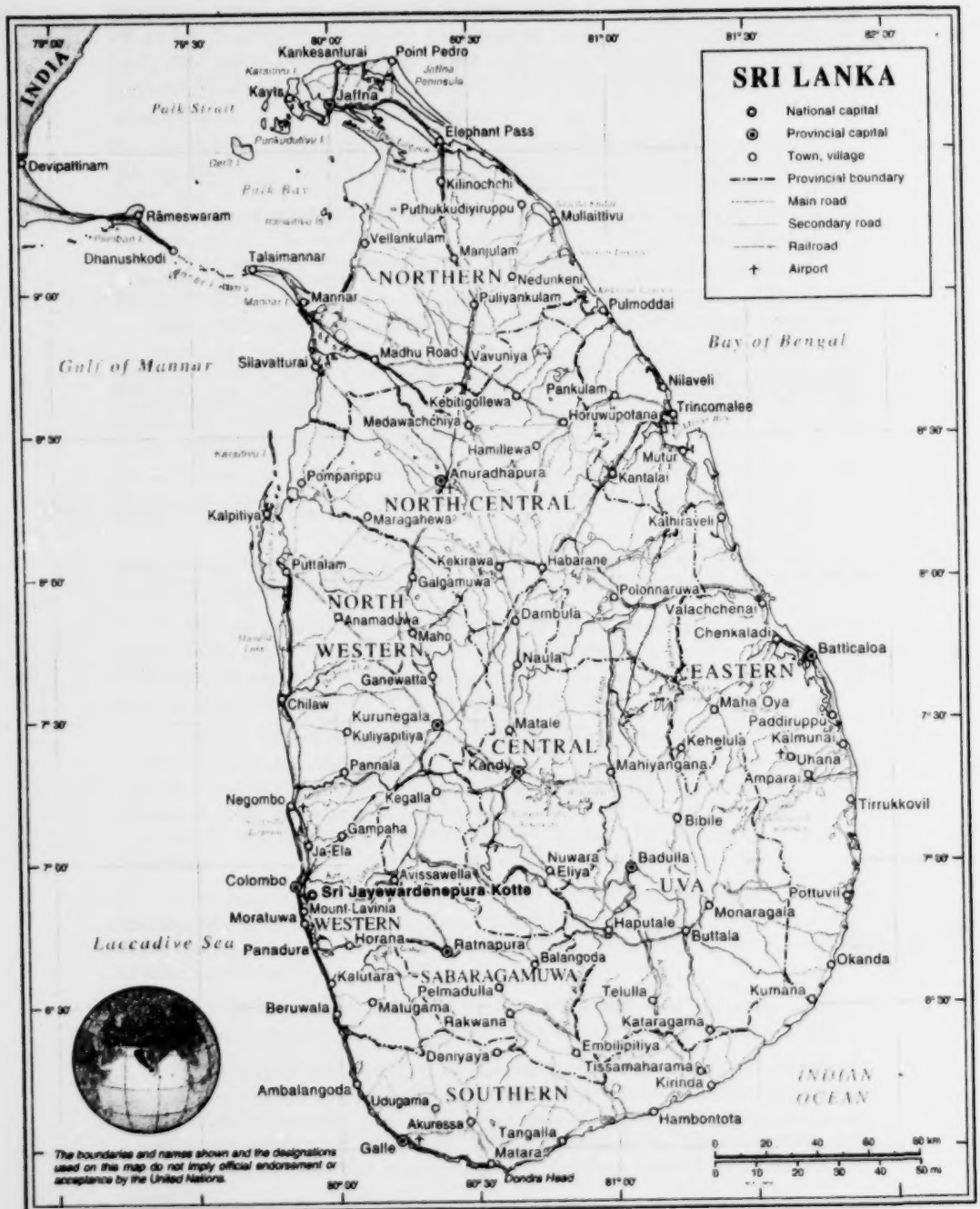
7. I encourage the co-chairs and the Norwegian facilitators to approach the parties to include a substantial child protection component in the mandate of the peace monitoring mission, in order to intensify efforts to monitor and verify compliance by parties listed in annex II of the report of the Secretary-General on children and armed conflict.[6]

8. The United Nations country team stands ready to support the Government of Sri Lanka in rapidly devising child-appropriate release and interim care for "surrendees" from armed groups in the custody of the Government of Sri Lanka.

9. The international community should support the work of UNICEF and other relevant agencies to increase the capacity of the monitoring and reporting mechanism, including the necessary funding to increase the capacity of the Human Rights Commission of Sri Lanka and the National Child Protection Agency.

10. I urge all parties to recognize and commit to maintaining the neutrality and security of schools, hospitals and religious institutions as "safe zones" in conflict-affected areas.

11. I call on the Government of Sri Lanka and all relevant parties to ensure open and safe access by humanitarian actors in Sri Lanka to affected areas.



Map No. 4172 Rev. 2 UNITED NATIONS
January 2007

Department of Peacekeeping Operations
Cartographic Section